



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/3848**

**Re: Property at 34 Sime Place, Galashiels, TD1 1ST (“the Property”)**

**Parties:**

**Waukrigg Development Co Ltd, 21 Market Street, Galashiels, TD1 3AD (“the Applicant”)**

**Mr Reece Paterson, 34 Sime Place, Galashiels, TD1 1ST (“the Respondent”)**

**Tribunal Members:**

**Serena Weir (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant seeks an eviction order in terms of Section 51 and ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“**the 2016 Act**”). A copy of the tenancy agreement, Notice to Leave and proof of sending, Section 11 Notice and evidence of the intention to sell were lodged with the application.
2. A copy of the application was served on the Respondent, and the parties were notified that a Case Management Discussion (“**CMD**”) would take place by telephone conference call on 16 April 2026 at 10am.
3. The CMD took place on 16 April 2026. The Applicant was represented by Ms Turnbull of Bannerman Burke Law. The Respondent attended the CMD.

**Summary of Discussion**

4. Ms Turnbull explained that the Applicant had carried out its annual review of its property portfolio and reached the decision that it was in the best interests of the company to sell its property portfolio at Sime Place. The other properties owned by the Applicant at Sime Place had been tenanted but were now vacant for the purpose of being sold.
5. In advance of the CMD, Mr Paterson wrote to the Tribunal to explain that he had found alternative accommodation and expected to be in a position to

move out of the Property in two to three weeks. At the CMD, Mr Paterson told the Tribunal that the application is not opposed. Mr Paterson explained that has applied to the Local Authority to be re-housed. He is 25, lives in the Property alone and has no health conditions.

### **Findings in Fact**

6. The Applicant is the owner and landlord of the Property.
7. The Applicant intends to sell the Property as part of the sale of its portfolio of properties at Sime Place. The Applicant considers that this is in the best interests of the company.
8. The Respondent is the tenant of the Property and lives there alone. He is 25 and has no health conditions.
9. The Applicant served a Notice to Leave on the Respondent dated 03 June 2025. The Respondent acknowledges having received this Notice to Leave.
10. The Respondent does not oppose the application. He has engaged with the Local Authority with a view to being re-housed. Meantime, the Respondent has found alternative accommodation and will be in a position to move out of the Property in two to three weeks.

### **Reasons for Decision**

11. The application was submitted with a Notice to Leave dated 03 June 2025 together with an email which establishes that it was sent to the Respondent on the same date. The Notice to Leave states that an application to the Tribunal is to be made on ground 1: the landlord intends to sell the Property. The Notice to Leave states that the earliest date that an application can be made to the Tribunal is 28 August 2025.
12. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
13. Section 51(1) of the 2016 Act states,

*“The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”*

14. Ground 1 of schedule 3 of the 2016 Act (as amended) states,

*“(1) It is an eviction ground that the landlord intends to sell the let property.  
(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord –  
a) is entitled to sell the let property,  
b) intends to sell it for market value or at least put it up for sale within 3 months of the tenant ceasing to occupy it, and  
c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”*

15. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the Property and that part 1 of ground 1 is established.

16. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -

- a) The Respondent does not oppose the application. He has approached the Local Authority for re-housing. Meantime, the Respondent has found alternative accommodation and will be in a position to move out of the Property in two to three weeks.
- b) The Respondent lives at the property alone and has no health conditions.
- c) The Applicant intends to sell the Property as part of the sale of its portfolio of properties at Sime Place as it has reached the conclusion that this is in the best interests of the company.

17. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 16 above, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

**Decision**

18. The Tribunal determines that an eviction order should be granted against the Respondent.

**Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

**S. Weir**

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**Legal Member/Chair**

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**Date**

**16 April 2026**